

REMARKS

Claims 1-8 stand rejected under 35 U.S.C. 112 as being indefinite. More specifically, the Examiner objects to “queue number” as being indefinite because the plurality of queues are not defined in the claims. In response, Applicants amended independent claims 1 and 7-8 to clarify that a plurality of queues are associated with the system resources, and that each queue has a queue number. For these reasons, withdrawal of the §112 rejection of claims 1-8 is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Berry (U.S. Patent No. 5,668,944) in view of Applicants’ Admitted Prior Art (AAPA). In response, Applicants amended independent claims 1 and 7-8, and respectfully traverse. Applicants traverse because the cited references fail to disclose or suggest, among other things, a diagnosing unit or step of diagnosing that determines whether to replace a system resource with an upgraded system resource based on a threshold of a utility rate and a queue number of a queue, and also diagnoses when to add a system resource to an existing system resource to improve performance based on the utility rate and queue number of the system resource. In other words, the references do not disclose or suggest providing for both replacement and addition of system resources to improve system performance, and judging whether to replace or add a system resource based on utility and queue number.

The Examiner cites Berry as teaching a diagnosis unit that diagnoses a performance of a system resource. In particular, as teaching a system diagnosis apparatus

that transmits, to a computer system, information including upgrade recommendation information for replacing or adding to a system resource diagnosed as having low performance (see page 4 of the Office Action and Col. 2, lns. 59-65 of Berry).

Berry teaches a performance diagnosis system 200 that detects and reports the presence of undesirable performance characteristics of an operating system of a computer, and performs a preliminary diagnosis (see Col. 2, lns. 59-65). Berry does not teach a diagnosing system that diagnoses whether a system resource should be replaced. Rather, Berry merely teaches a plurality of resource managers 102, 104, 106, 108 and 110 that controls a resource with which each is associated. That is, as shown in FIG. 1, a memory manager 102 controlling the allocation memory 112, a processor manager 104 controlling the use and allocation of a central processing unit (CPU) 114, a file manager 106 controlling a file system 116, and a device manager 108 controlling a plurality of devices 118 (Col. 2, lns. 43-52).

However, Berry fails to teach or suggest a diagnosis unit that diagnoses the performance of a system resource based on the utility rate and queue number exceeding or not exceeding thresholds of the utility rate and queue number so that a determination is made to replace the system resource with an improved system resource, or alternatively add an additional system resource to the existing system resource, as now recited in the amended claims.

With respect to AAPA, Applicants teach that conventionally it is known to replace a system resource with a new system resource of higher performance or add another system resource. However, AAPA does not teach or suggest a diagnosis unit or step which is based on a combination of thresholds (e.g., utility rate is higher than the threshold of the utility rate and the queue number is less than the threshold of the queue number).

More specifically, the present invention has system resources that are diagnosed on the basis of a comparison between a utility rate and its threshold, and also a comparison between a queue and its threshold for the system resource. That is, when the utility rate of a system resource is greater than a threshold and the queue number is shorter than a threshold, a diagnosis that performance of the user system has lowered is made and the existing system resource is replaced by a system resource of higher performance than the existing system resource.

Alternatively, when the utility rate is greater than the threshold and the queue number is longer than the threshold, a diagnosis is made that the number of system resources is insufficient. Accordingly, additional system resources are added to overcome the shortage of system resources. (See Applicants' specification, page 7, lines 5-20).

Since the combination of Berry and AAPA fail to disclose or suggest a diagnosing unit or step that diagnoses when to replace or add system resources based on thresholds of a utility rate and queue number, withdrawal of the §103 rejection of claims 1-8 is requested.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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